

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/091,256	03/05/2002	Carl Triplett	29930.8000	6817	
48236 7	590 10/21/2005	10/21/2005		EXAMINER	
SNELL & WILMER, LLP			KIM, CHRISTOPHER S		
ONE ARIZON	A CENTER				
400 E. VAN BUREN			ART UNIT	PAPER NUMBER	
PHOENIZ, AZ 85004-2202			3752		
		DATE MAILED: 10/21/2005			

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	10/091,256	TRIPLETT ET AL			
Office Action Summary	Examiner	Art Unit			
	Christopher S. Kirn	3752			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	l. lety filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 10 Au	<u>ıgust 2005</u> .				
2a)⊠ This action is FINAL . 2b)☐ This	action is non-final.				
3) Since this application is in condition for allowan	application is in condition for allowance except for formal matters, prosecution as to the merits is				
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	3 O.G. 213.			
Disposition of Claims					
4) ☐ Claim(s) 1,3-6,8,9,11-13 and 23 is/are pending 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1,3-6,8,9,11-13 and 23 is/are rejected 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	vn from consideration.				
Application Papers					
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the confidence of Replacement drawing sheet(s) including the correction 11) The oath or declaration is objected to by the Examine 11.	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s)					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:				
S. Datent and Trademark Office					

DETAILED ACTION

Response to Amendment

- 1. Amendment filed August 10, 2005 is acknowledged.
- 2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 1, 3, 9, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by over Harkenrider et al. (2,943,378).

Harkenrider discloses an emanator comprising a first material 26 and second material 28.

Claim Rejections - 35 USC § 103

4. Claims 4-6 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harkenrider et al. (2,943,378) in view of Denen et al. (6,296,196).

Harkenrider discloses an emanator comprising a first material 26 and second material 28. Harkenrider does not disclose nylon and polypropylene. Denen discloses nylon and polypropylene in column 6, line 16. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have used nylon and polypropylene in the device of Harkenrider as taught by Denen for "good capillary action" (Denen, column 6, line 9).

5. Applicant's arguments filed August 10, 2005 have been fully considered but they are not persuasive.

Applicant argues that Harkenrider does not disclose "the benefit wherein the capillary action of the first and second material in combination results in a greater overall transfer rate than either of the first or second materials alone." In Harkenrider, each of the first material 26 and second material 28 inherently has a transfer rate. The sum of the parts is always greater than the individual parts. The transfer rate of two materials is always greater that the transfer rate of each of the materials alone.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3752

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher S. Kim Primary Examiner Art Unit 3752